



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 311

AS ENACTED

FRIDAY, MARCH 4, 2011

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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to prescription drugs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔ Section 1. KRS 218A.180 is amended to read as follows:

- 4 (1) Except when dispensed directly by a practitioner to an ultimate user, no
 5 methamphetamine or controlled substance in Schedule II may be dispensed without
 6 the written, facsimile, or electronic prescription of a practitioner. A prescription for
 7 a controlled substance in Schedule II may be dispensed by a facsimile
 8 prescription only as specified in administrative regulations promulgated by the
 9 cabinet. No prescription for a controlled substance in Schedule II shall be valid
 10 after sixty (60) days from the date issued. No prescription for a controlled substance
 11 in Schedule II shall be refilled. All prescriptions for controlled substances classified
 12 in Schedule II shall be maintained in a separate prescription file.
- 13 (2) Except when dispensed directly by a practitioner to an ultimate user, a controlled
 14 substance included in Schedules III, IV, and V, which is a prescription drug, shall
 15 not be dispensed without a written, facsimile, electronic, or oral prescription by a
 16 practitioner. The prescription shall not be filled or refilled more than six (6) months
 17 after the date issued or be refilled more than five (5) times, unless renewed by the
 18 practitioner and a new prescription, written, electronic, or oral shall be required.
- 19 (3) (a) To be valid, a prescription for a controlled substance shall be issued only for a
 20 legitimate medical purpose by a practitioner acting in the usual course of his
 21 professional practice. Responsibility for the proper dispensing of a controlled
 22 substance pursuant to a prescription for a legitimate medical purpose is upon
 23 the pharmacist who fills the prescription.
- 24 (b) A prescription shall not be issued for a practitioner to obtain a controlled
 25 substance for the purpose of general dispensing or administering to patients.
- 26 (4) All written and facsimile prescriptions for controlled substances shall be dated and
 27 signed by the practitioner on the date issued and shall bear the full name and

1 address of the patient, drug name, strength, dosage form, quantity prescribed,
2 directions for use, and the name, address and registration number of the practitioner.

3 (5) All oral, facsimile, or electronic prescriptions shall include the full name and
4 address of the patient, drug name, strength, dosage form, quantity prescribed,
5 directions for use, and the name, address and registration number of the practitioner.

6 (6) All oral~~[or electronic]~~ prescriptions shall be immediately reduced to writing, dated,
7 and signed by the pharmacist.~~[A prescription contained in a computer or other~~
8 ~~electronic format shall not be considered writing.]~~

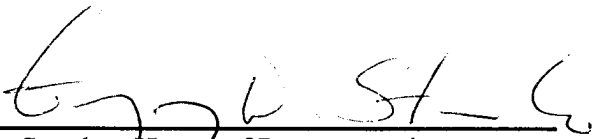
9 (7) A pharmacist refilling any prescription shall record on the prescription or other
10 equivalent record the date, the quantity, and the pharmacist's initials. The
11 maintenance of prescription records under the federal controlled substances laws
12 and regulations containing substantially the same information as specified in this
13 subsection shall constitute compliance with this subsection.

14 (8) The pharmacist filling a written, facsimile, electronic, or oral prescription for a
15 controlled substance shall affix to the package a label showing the date of filling,
16 the pharmacy name and address, the serial number of the prescription, the name of
17 the patient, the name of the prescribing practitioner and directions for use and
18 cautionary statements, if any, contained in such prescription or required by law.

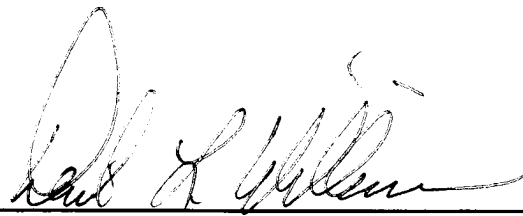
19 (9) Any person who violates any provision of this section shall:

20 (a) For the first offense, be guilty of a Class A misdemeanor.

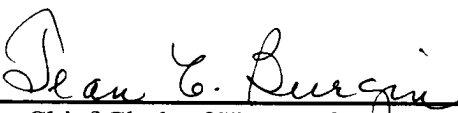
21 (b) For a second or subsequent offense, be guilty of a Class D felony.



Speaker House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3-16-11